

Docket No. 246035US23

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE TRADEMARK APPLICATION OF: Franklin D LOMAX, Jr. et al.

SERIAL NUMBER: 10/791,746

ATTN: APPLICATION BRANCH

FILING DATE: March 4, 2004

FOR: HEAT EXCHANGER HAVING PLURAL TUBULAR ARRAYS

**FILING OF DECLARATION UNDER 37 CFR 1.53(f)**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the notification dated May 21, 2004, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Rule 63 Declaration. The required fee was paid at the time of filing the application.

The Declaration enclosed herewith contains the following information:

Name(s) of Inventor(s)

Title of Invention

Attorney Docket Number

Filing Date

thereby adequately identifying the above-identified application in accordance with 37 CFR 1.63, as set forth in MPEP Section 601.01.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

J. Derek Mason

Registration No. 35,270

Joseph A. Scafetta, Jr.  
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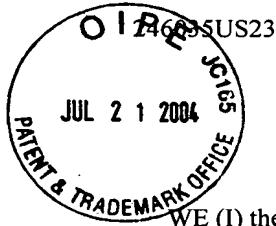
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(OSMMN 05/03)

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## **Declaration, Power of Attorney and Petition**

WE (I) the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## HEAT EXCHANGER HAVING PLURAL TUBULAR ARRAYS

the specification of which

is attached hereto.

was filed on March 4, 2004 as

Application Serial No.

and amended on

was filed as PCT international application

### Number

on ,

and was amended under PCT Article 19

on (if applicable)

including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (1) hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(d) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

Application No.	Country	Day/Month/Year	Priority Claimed
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

We (I) hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application Number) \_\_\_\_\_  
(Filing Date) \_\_\_\_\_

\_\_\_\_\_  
(Application Number) \_\_\_\_\_  
(Filing Date) \_\_\_\_\_

We (I) hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or under §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status (pending, patented, abandoned)
_____	_____	_____
_____	_____	_____

And we (I) hereby appoint the following registered practitioner(s):

Customer Number  
22850

as our (my) attorneys, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith; and we (I) hereby request that all correspondence regarding this application be sent to

Customer Number  
22850

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Franklin D. LOMAX, JR.

NAME OF FIRST OR SOLE INVENTOR



Signature of Inventor

APRIL 6, 2004  
Date

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Signature of Inventor

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Date

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